



# OLR RESEARCH REPORT

July 24, 2012

2012-R-0324

## QUESTIONS ON ILLEGAL IMMIGRANTS AND MISSOURI LAW

By: Veronica Rose, Chief Analyst

You asked several questions pertaining to illegal immigrants and Missouri law. Your specific questions and answers follow.

### ***1. Is English the official language of Missouri?***

The answer is yes. Under a 2008 amendment to the Missouri Constitution, all official proceedings must be conducted in English (Missouri Constitution, Article 1, § 34). An “official proceeding” is a meeting of a public government body discussing or deciding public business or formulating public policy. It includes in-person meetings and meetings conducted by conference call, video conference or Internet chat, or on Internet message board. It does not include informal meetings for ministerial or social purposes. But it includes a public vote conducted by electronic communication or other means instead of holding an official meeting at one location to conduct public business. (The text of the amendment is available at:

<http://www.moga.mo.gov/const/a01034.htm> ).

### ***2. Does Missouri require law enforcement officers to verify the immigration status of people they arrest and inform federal authorities of illegal immigrants?***

The law requires the Missouri State Highway Patrol, subject to appropriations, to designate patrol members to be trained to enforce federal immigration laws in accordance with a memorandum of understanding between the state and the U.S. Department of Homeland

Security (Mo. Rev. Stat. § 43.032). Under federal law, the memorandum covers the performance of various tasks relating to the investigation, apprehension, or detention of illegal aliens in the United States (8 USC § 1357(g)(1)).

**3. Does Missouri grant illegal immigrants taxpayer benefits such as food stamps?**

The law generally prohibits agencies from giving state or local public benefits to illegal aliens, except for emergency medical care, prenatal care, services offering alternatives to abortion, emergency assistance, and legal assistance. The law defines a “public benefit” as any retirement, welfare, health, disability, housing, or food assistance benefit under which payments, assistance, credits, or reduced rates or fees are provided. It does not include postsecondary education public benefits (which are covered under another statute), municipal permits, and contracts or agreements between public utility providers and their customers.

Notwithstanding the prohibition on providing public benefits to illegal aliens, agencies may award benefits for up to 90 days or until they determine that a person applying for benefits is in the country illegally, whichever is earlier (Mo. Rev. Stat. § 208.009).

The law does not apply to nonprofit organizations duly registered with the Internal Revenue Service.

**4. Does Missouri provide financial assistance to illegal immigrants attending public post secondary institutions (colleges)?**

The law prohibits public colleges from awarding financial aid or other grants to illegal immigrants. Such institutions must (1) verify that students are U.S. citizens, permanent residents, or lawfully present in the country and (2) certify annually to the Missouri Department of Higher Education that they have not knowingly awarded financial aid to any illegal immigrant (Mo. Rev. Stat. § 173.1110).

VR:ts